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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/867,207	Applicant(s) Gale et al.
	Examiner John Young	Art Unit 3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Mar 5, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 25-48 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 25-48 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

4) Interview Summary (PTO-413) Paper No(s). _____

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5

6) Other: _____

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DRAWINGS

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS—35 U.S.C. §101 Statutory Type Double Patenting

2. Rejections Withdrawn.

CLAIM REJECTIONS — 35 U.S.C. §112 ¶1

3. Rejections Maintained.

CLAIM REJECTIONS — 35 U.S.C. §112 ¶2

Antecedent Basis and Inferential Claiming

4. Rejections Withdrawn.

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NONSTATUTORY DOUBLE PATENTING

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 45-48 of the instant application are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 21-24 of U.S. Patent No. 6,334,107 Gale et al. METHOD OF MANAGING A REAL ESTATE UNIT (Dec. 25, 2001)

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[US f/d: Feb. 19, 1998] (herein referred to as “Gale 6,334,107”). Although the conflicting claims of the instant application are narrower and therefore are not identical to corresponding claims of 6,334,107, the conflicting claims (i.e., claims 45-48) of the instant application are not patentably distinct from claims 21-24 of Gale 6,334,107; therefore, the instant application if allowed, would improperly extend the right to exclude already granted in U.S. Patent to Gale 6,334,107.

As per claims 45-48 of the instant application, the subject matter claimed is fully disclosed in U.S. Patent to Gale 6,334,107 (for example, see Gale 6,334,107 (col. 1, ll. 50-607)) and the application are claiming substantially common subject matter, which amounts to an obvious variation of the subject matter claimed in Gale 6,334,107: (1) claims 45-48 in the instant application substantially recite a broad system for “managing a real estate unit from a remote location. . . .” (2) claims 21-24 of Gale 6,334,107 substantially recite a narrow system for “managing a real estate unit from a remote location . . . regarding the managing of day-to-day operations directly related to a use by a renter. . . .” Therefore, the differences in the claim language between the Gale 6,334,107 patent and the instant application of Gale reside in the breadth of claim language of each; and the real estate unit managing claim language of the instant Gale application is albeit broader however none-the-less an obvious variation of the narrow real estate unit managing claim language of the Gale 6,334,107 patent. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the “managing a real estate unit from a remote location . . . regarding the managing of day-to-day

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operations directly related to a use by a renter. . . .” claim language of the Gale 6,334,107 patent would have been selected in accordance with the broad system “managing a real estate unit from a remote location. . . .” because such selection would have provided broad means for “*managing a real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit form the website to the remote location. The method further includes the steps of selecting at least one of the options, uploading the selected from the remote location to the server and executing the uploaded selected option by the server.*” (See Gale 6,334,107 (col. 1, ll. 40-60)). Furthermore, there is no apparent reason why Applicant was prevented from presenting claims corresponding to claims 45-48 of the instant application (during prosecution of the application which matured into the Gale 6,334,107 patent. See MPEP § 804.

A comparison of the independent claims at issue follows:

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Claim 45 of the instant application 09/867,207:

45. (Once Amended) Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

 a remote processor adapted to access a server from a remote location through a website of the server;

 a website adapted to download a webpage containing a set of options regarding the managing of the real estate unit from the website to the remote location;

 a cursor adapted to select at least one of the options thereby providing a selected option of the set of options;

 an applet within the remote processor adapted to upload an identifier of an application program associated with the selected option from the remote location to the server; and

 the applications program within the server adapted to execute the uploaded selected option.

Claim 21, Gale et al. U.S. Patent 6,334,107:

21. Apparatus for managing a real estate unit from a remote location, such apparatus comprising:

 a remote processor adapted to access a server from a remote location through a website of the server;

 a website adapted to download a set of options regarding the managing of day-to-day operations directly related to use by a renter of the rental unit from the website to the remote location;

 a cursor adapted to select at least one of the options;

 an applet within the remote processor adapted to upload the selected option from the remote location to the server; and

 an applications program executing the uploaded selected option by the server.

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For the reasons stated above, independent claim 45 and dependent claims 46-48 in the instant application to Gale et al., are rejected in view of claims 21-24 of Gale 6,334,107 pursuant to the judicially created nonstatutory double patenting doctrine grounded in public policy to prevent the unjustified or improper timewise extension of the right to exclude.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Independent claims 25, 35 & 45 and dependent claims 26-34, 36-44 & 46-48 are rejected under 35 U.S.C. §103(a) as being unpatentable over Apgar, IV 5,680,305 (10/21/1997) (herein

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referred to as “Apgar”) in view of Keithley 5,584,025 (12/10/19960) (herein referred to as “Keithley”) in view of Forrest et al. 6,049,781 (4/11/2000) (herein referred to as “Forrest”) and further in view of Hunt et al. 5,893,091 (4/6/1999) (herein referred to as “Hunt”).

As per claim 25, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14; FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows elements that suggest “managing a real estate unit from a remote location, such method comprising the steps of: accessing a server from a remote location . . . downloading . . . a set of options regarding the managing of the real estate unit . . . to the remote location; selecting at least one of the options . . . uploading the . . . selected option from the remote location to the server; and executing the computer program associated with the selected option within the server.”

Apgar lacks an explicit recitation of: “downloading a webpage containing a set of options regarding the managing of the real estate unit from the website to the remote location . . . embedding a subroutine within the webpage activated by selection of the option that composes a message identifying a computer program within the server associated with the selected option . . .” even though, Apgar (col. 6, ll. 30-57; and col. 15, ll. 24-40) suggests same.

Keithley (col. 9, ll. 4-27) discloses elements that suggest “accessing a server from a remote location . . .”

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Keithley proposes remote server modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information . . .*” (see Keithley col. 4, ll. 10-25).

Forrest (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows “*LAN 12 may be implemented as a distributed network . . .*” It would have been obvious to one of ordinary skill in the art at the time of the invention that “*LAN 12 may be implemented as a distributed network . . .*” would have been selected in accordance with “a website of the server. . . .” because it was well known in the art at the time of the invention that a website was associated with the Internet which is a distributed network. Furthermore, Forrest (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes website modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the website modifications of the method of Forrest to the method of Apgar because such modifications would have provided “*the ability to closely track homes. . . .*” (See Forrest (col. 2, ll. 55-67)).

Hunt (col. 5, ll. 45-61; col. 6, ll. 60-67; col. 7, ll. 1-23; col. 8, ll. 15-67; col. 11, ll. 47-55; and col. 13, ll. 55-67) shows elements that suggest: “downloading a webpage containing a set of options regarding the managing of the real estate unit from the website to the remote location . . . embedding a subroutine within the webpage activated by

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selection of the option that composes a message identifying a computer program within the server associated with the selected option. . . .”

Hunt proposes webpage and subroutine modifications that would have applied to the method of Apgar. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the disclosure of Hunt with the teachings of Apgar because such combination would have provided means to “*present the user with the option of viewing an associated webpage through a linked browser.*” (See Hunt (col. 5, ll. 45-50)).

As per claim 26, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar does not explicitly show “an identifier of a user to the server. . . .”

Keithley (col. 1, ll. 33-45) discloses elements that suggest “transferring an identifier of a user to the server.”

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

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As per claim 27, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 26. (See the rejection of claim 26 supra).

Apgar does not explicitly show “the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found.”

Keithley (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest “the identifier further comprises comparing the identifier with an identifier of an authorized user and granting access to a set of files when a match is found.”

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . .*” (see Keithley col. 4, ll. 10-25).

As per claim 28, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 27. (See the rejection of claim 27 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest “uploading monetary data from a designated financial institution to the server.”

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Apgar does not explicitly show “uploading monetary data from a designated financial institution to the server. . . .” even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests “uploading monetary data from a designated financial institution to the server. . . .”

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest “uploading monetary data from a designated financial institution to the server. . . .”

Keithley proposes financial institution modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

As per claim 29, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 28. (See the rejection of claim 28 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest “storing the monetary data in the set of files.”

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Apgar does not explicitly show “storing the monetary data in the set of files. . . .” even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests “storing the monetary data in the set of files. . . .”

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest “storing the monetary data in the set of files. . . .”

Keithley proposes storage modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

As per claim 30, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest “providing a plurality of real estate unit identifiers as options of the set of options.”

Apgar does not explicitly show “providing a plurality of real estate unit identifiers as options of the set of options. . . .” even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8;

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FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests "providing a plurality of real estate unit identifiers as options of the set of options."

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest "providing a plurality of real estate unit identifiers as options of the set of options."

Keithley proposes identifier modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided "*a method of acquiring and displaying real estate information. . .*" (see Keithley col. 4, ll. 10-25).

As per claim 31, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (col. 22, ll. 20-30; col. 26, ll. 45-52; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; FIG. 21; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest "providing a billing and cash entries selection for a real estate unit as an option of the set of options."

Apgar does not explicitly show "providing a billing and cash entries selection for a real estate unit as an option of the set of options. . ." even though, Apgar (col. 22, ll.

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20-30; FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests “providing a billing and cash entries selection for a real estate unit as an option of the set of options.”

Forrest (col. 9, ll. 43-48; col. 1, ll. 40-52; and col. 12, ll. 44-54) shows “*expense and billing information.*”

Forrest proposes “*expense and billing information*” modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the “*expense and billing information*” modifications of the method of Forrest to the method of Apgar because such modifications would have provided “*the ability to closely track homes. . . .*” billing status (See Forrest (col. 2, ll. 55-67).

As per claim 32, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) shows elements that suggest “*a printer or facsimile device to provide a hard copy report. . . .*”

Apgar does not explicitly show “providing a reports selection as an option of the set of options. . . .” even though, Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) suggests “providing a reports

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selection as an option of the set of options.” It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48; and col. 16, ll. 61-63) would have been selected in accordance with “providing a reports selection as an option of the set of options. . . .” because such selection would have provided a means for *“detailing and summarizing the analysis of the particular real estate.”* (See Apgar (col. 16 ll. 45-48).

As per claim 33, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (the ABSTRACT; col. 5, ll. 2-5; col. 5, ll. 12-19; col. 5, ll. 20-53; col. 16, ll. 34-48) shows elements that suggest “*a printer or facsimile device to provide a hard copy report. . . .*”

Apgar (col. 26, ll. 27-29) discloses “*OPERATING EXPENSES . . . utilities . . .*”

Apgar does not explicitly show “providing a utilities selection as an option of the set of options. . . .” even though, Apgar (col. 26, ll. 27-29) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (col. 26, ll. 27-29) would have been selected in accordance with “providing a utilities selection as an option of the set of options. . . .” because such selection would have provided a means for “*detailing and summarizing the analysis of the particular real estate.”* (See Apgar (col. 216 ll. 45-48).

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As per claim 34, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 25. (See the rejection of claim 25 supra).

Apgar (col. 16, ll. 61-63) shows elements that suggest “providing a system selection as an option of the set of options.”

Apgar does not explicitly show “providing a system selection as an option of the set of options. . . .” even though, Apgar (col. 16, ll. 61-63) suggests same. It would have been obvious to one of ordinary skill in the art at the time of the invention that the disclosure of Apgar (col. 16, ll. 61-63) would have been selected in accordance with “providing a system selection as an option of the set of options. . . .” because such selection would have provided a means for *“detailing and summarizing the analysis of the particular real estate.”* (See Apgar (col. 216 ll. 45-48).

Claim 35 is rejected for the same reasons as claim 25.

Claim 36 is rejected for the same reasons as claim 26.

Claim 37 is rejected for the same reasons as claim 27.

Claim 38 is rejected for substantially the same reasons as claim 28.

Claim 39 is rejected for substantially the same reasons as claim 29.

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Claim 40 is rejected for the same reasons as claim 30.

Claim 41 is rejected for the same reasons as claim 31.

Claim 42 is rejected for the same reasons as claim 32.

Claim 43 is rejected for the same reasons as claim 33.

Claim 44 is rejected for the same reasons as claim 34.

As per claim 45, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 14; FIG. 16; col. 4, ll. 24-61; col. 6, ll. 9-21; col. 6, ll. 46-62; and col. 1, ll. 53-58) shows elements that suggest an “Apparatus for managing a real estate unit from a remote location, such apparatus comprising: a remote processor adapted to access a server from a remote location through a website of the server; a website adapted to download a webpage containing a set of options regarding the managing of the real estate unit from the website to the remote location; a cursor adapted to select at least one of the options thereby providing a selected option of the set of options; . . . the applications program within the server adapted to execute the uploaded selected option.”

Apgar lacks an explicit recitation of “a remote processor adapted to access a server from a remote location through a website of the server; a website adapted to download a

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webpage containing a set of options regarding the managing of the real estate unit from the website to the remote location . . . an applet within the remote processor adapted to upload an identifier of an application program associated with the selected option from the remote location to the server. . . .” even though, Apgar (col. 6, ll. 42-44) suggests same.

Keithley (col. 12, ll. 22-58) discloses: “*The instant system allows the flexibility to incorporate any of the current, as well as the future, technologies.*”

Keithley (col. 3, ll. 30-67; col. 4, ll. 62-67; col. 9, ll. 4-27; col. 11, ll. 1-10; and col. 12, ll. 22-58) shows elements that suggest “a remote processor adapted to access a server from a remote location through a website of the server. . . .” In this case, the Examiner interprets the disclosure of Keithley (col. 12, ll. 22-58) as suggesting web communications.

Keithley proposes remote server modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

Forrest (col. 5, ll. 10-24; FIG. 1; and FIG. 13) shows “*LAN 12 may be implemented as a distributed network. . . .*” It would have been obvious to one of ordinary skill in the art at the time of the invention that “*LAN 12 may be implemented as a distributed network. . . .*” would have been selected in accordance with “a website of the server. . . .” because it was well known in the art at the time of the invention that a website was associated with the Internet which is a distributed network. Therefore, Furthermore,

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Forrest (col. 5, ll. 10-24; col. 2, ll. 55-67; FIG. 1; and FIG. 13) proposes website modifications that would have applied to the method of Apgar. It would have been obvious to one of ordinary skill in the art at the time of the invention to add the website modifications of the method of Forrest to the method of Apgar because such modifications would have provided "*the ability to closely track homes. . .*" (See Forrest (col. 2, ll. 55-67)).

Apgar does not explicitly show "an applet within the remote processor adapted to upload an identifier of an application program associated with the selected option from the remote location to the server; and the applications program within the server adapted to execute the uploaded selected option."

Hunt (col. 5, ll. 55-60) discloses: "*automatically take the user to a particular web page and then cause a Java applet or ActiveX control to be executed.*"

Hunt (col. 5, ll. 55-60; FIG. 2; FIG. 3; FIG. 4; FIG. 6; col. 4, ll. 17-28; col. 5, ll. 50-60; col. 6, ll. 31-44; col. 6, ll. 60-67; and col. 7, ll. 1-6) shows elements that suggest "an applet within the remote processor adapted to upload an identifier of an application program associated with the selected option from the remote location to the server; and the applications program within the server adapted to execute the uploaded selected option."

Hunt proposes applet modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Hunt to Apgar, because implementation of such modifications would have provided "*users with coherent means*

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for filtering what information is received and intelligently responding to the information. . . . (see Hunt (col. 4, ll. 17-28).

As per claim 46, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 45. (See the rejection of claim 45 supra).

Apgar does not explicitly show “the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found.”

Keithley (col. 13, ll. 25-42; col. 1, ll. 33-45; col. 9, ll. 38-59; and col. 11, ll. 11-16) discloses elements that suggest “the application program . . . comprises a comparator adapted to compare an identifier of an authorized user and granting access to a set of files when a match is found.”

Keithley proposes user ID modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .* (see Keithley col. 4, ll. 10-25).

As per claim 47, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 45. (See the rejection of claim 45 supra).

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Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest “uploading monetary data from a designated financial institution to the server.”

Apgar does not explicitly show “uploading monetary data from a designated financial institution to the server. . . .” even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests “uploading monetary data from a designated financial institution to the server. . . .”

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest “uploading monetary data from a designated financial institution to the server. . . .”

Keithley proposes monetary modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

As per claim 48, Apgar in view of Keithley, Forrest and Hunt shows the method of claim 48. (See the rejection of claim 48 supra).

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Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) shows elements that suggest “a memory adapted to store the monetary data.”

Apgar does not explicitly show “a memory adapted to store the monetary data. . . .” even though, Apgar (FIG. 1; FIG. 6; FIG. 7; FIG. 8; FIG. 9; FIG. 10; FIG. 11; FIG. 12; FIG. 14; FIG. 16; col. 3, ll. 50-67; col. 13, ll. 44-47; col. 22, ll. 20-30; col. 4, ll. 24-61; col. 6, ll. 9-21; and col. 6, ll. 46-62) suggests “a memory adapted to store the monetary data.”

Keithley (col. 2, ll. 10-22; col. 7, ll. 9-17; and col. 10, ll. 20-28) discloses elements that suggest “a memory adapted to store the monetary data.”

Keithley proposes storage modifications that would have applied to the method of Apgar. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to add the modifications taught by Keithley to Apgar, because implementation of such modifications would have provided “*a method of acquiring and displaying real estate information. . . .*” (see Keithley col. 4, ll. 10-25).

RESPONSE TO ARGUMENTS

7. Applicant's arguments filed 3/5/2002 (Amendment C, paper#6) have been fully considered but they are not persuasive for the following reasons:

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In response to Applicant's argument that the 35 U.S.C. §112 ¶1 rejections of claims 45-48 are in error, the issue is not the veracity of the specification regarding enablement as suggested in the arguments of Amendment C, page 4 of paper#6 filed 3/5/2002. Also, the issue does not implicate 35 U.S.C. §112 ¶2 indefiniteness as proffered by the arguments of Amendment C, page 5 of paper#6 filed 3/5/2002 where said arguments rely upon the Guidelines of MPEP 2173.01; to the contrary, the issue on its face is the breadth of the claim language of claims 45-48 in view of the enablement requirements of the law as delineated by 35 U.S.C. §112 ¶1. "Breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). . . If the claim is too broad because it is not supported by the original description or by an enabling disclosure, a rejection under 35 U.S.C. 112, first paragraph would be appropriate. If the claim is too broad because it reads on the prior art, a rejection under either 35 U.S.C. 102 or 103 would be appropriate." (See MPEP 2173.04). The arguments of Amendment C, of paper#6 filed 3/5/2002 fail to address the issue of claim language breadth of claims 45-48; therefore, the 35 U.S.C. §112 ¶1 rejections of claims 45-48 have not been shown to be in error and said rejections are maintained.

In response to Applicant's argument that the 35 U.S.C. §103 rejections, Applicant's arguments have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments against the 35 U.S.C. §103 rejections of claims 25-48 are moot based on the new grounds of rejection necessitated by Applicant's amendment. (See the 35 U.S.C. §103 rejections of claims 25-48 supra). Therefore, Applicant's arguments amount to a general allegation

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that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

As per claim 45, Applicant's arguments Amendment C (filed 3/5/2002, paper #6) fail to present an appropriate challenge to the taking of Official/Judicial Notice because Applicant's arguments do not contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the [Official/Judicial] notice." (MPEP 2144.03 (August 2001) p. 2100-129). Applicant has failed to specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art.

Therefore, the "Official Notice" or common knowledge or well-known in the art statement is taken to be admitted prior art because Applicant's traversal is inadequate, and no further references in support of the official notice are required.

For the reasons stated above, claims 25-48 of the instant application stand rejected.

ACTION MADE FINAL

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

CONCLUSION

8. Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or (703) 746-7239 (for formal communications marked AFTER-FINAL) or (703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

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Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2451 Crystal Drive

Arlington, Virginia.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Patent Examiner

May 31, 2002


ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600